

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CLARENCE DELANEY, JR.

Plaintiff,

-v.-

Civil Action No.  
1:11-cv-684 (GLS/RFT)

MONTGOMERY TRANSITIONAL SERVICES,  
INC.; KIMMBERLI FLORY; JANE DOE; NEW  
YORK STATE OFFICE OF MENTAL HEALTH;  
JANINE DYKEMAN, Executive Director of  
Montgomery Transitional Services, Inc.; LORI  
LAVENIA, Apartment Counselor; SUE HERBA,  
Entitlement Specialist,

Defendants.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

CLARENCE DELANEY, JR.  
Plaintiff, *Pro Se*  
P.O. Box 6071  
Albany, New York 12206

GARY L. SHARPE,  
CHIEF JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-  
Recommendation by Magistrate Judge Randolph F. Treece, duly filed March  
2, 2012. Following ten days from the service thereof, the Clerk has sent the

file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby ORDERED, that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed March 2, 2012 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED that the Second Amended Complaint (Dkt. No. 22) is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) & (iii) for failure to state a claim upon which relief may be granted and for failure to establish subject matter jurisdiction, and it is further

ORDERED, that the Clerk of the Court is to mail a copy of this order to the plaintiff by certified mail.

IT IS SO ORDERED.

Dated: April 26, 2012  
Albany, New York

  
Gary L. Sharpe  
Chief Judge  
U.S. District Court